

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

100 Washington Square, Suite 1700
100 Washington Avenue South
Minneapolis, Minnesota 55401-2138

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REVISOR OF STATUTES

November 17, 2000

Governor Jesse Ventura
130 Capitol Building
75 Constitution Avenue
St. Paul, Minnesota 55155

Michele Timmons
Revisor of Statutes
700 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Senator James Metzen, Chair
Senate Governmental Operations and
Veterans Committee
303 Capitol Building
75 Constitution Avenue
St. Paul, Minnesota 55155

Senator Dan Stevens, Ranking Republican
Senate Governmental Operations and
Veterans Committee
303 Capitol Building
75 Constitution Avenue
St. Paul, Minnesota 55155

Representative Jim Rhodes, Chair
House Governmental and Veterans
Committee
409 Capitol Building
St. Paul, Minnesota 55155

Representative Phyllis Kahn, DFL Lead
House Governmental and Veterans
Committee
255 Capitol Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Representative Philip Krinkie, Chair
State Governmental Finance Division
365 Capitol Building
St. Paul, Minnesota 55155

Representative Steve Sviggum, Chair
Legislative Coordinating Commission
463 State Office Building
St. Paul, Minnesota 55155

Senator Leonard Price, Chair
Governmental Operations Budget
Division
235 Capitol Building
75 Constitution Avenue
St. Paul, Minnesota 55155

RE: Annual Report on Obsolete, Unnecessary, or Duplicative Rules,
Pursuant to Minnesota Statutes, Section 14.05, subdivision 5.

Minnesota Statutes, section 14.05, subdivision 5, states:

By December 1 of each year, an agency must submit to the governor, the
legislative coordinating commission, the policy and funding committees

and divisions with jurisdiction over the agency, and the revisor of statutes, a list of any rules or portions of rules that are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. This list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules. By December 1, the agency must either report a timetable for repeal of the rule or portion of the rule, or must develop a bill for submission to the appropriate policy committee to repeal the obsolete, unnecessary, or duplicative rule. Such a bill must include proposed authorization to use the expedited procedures of section 14.389 to repeal or amend the obsolete, unnecessary, or duplicative rule. A report submitted under this subdivision must be signed by the person in the agency who is responsible for identifying and initiating repeal of obsolete rules. The report also must identify the status of any rules identified in the prior year's report as obsolete, unnecessary, or duplicative. If none of an agency's rules are obsolete, unnecessary, or duplicative, an agency's December 1 report must state that conclusion.

We have identified the following rules, or portions of rules, that are obsolete, unnecessary, or duplicative and that should be repealed:

- Minnesota Rules, part 1400.2010, subpart 5 (definition of "legislative commission" in rulemaking procedure rules);
- Minnesota Rules, part 1400.5600, subpart 4 (publication requirements for a Notice and Order for Hearing in contested case hearings where an agency participates in a neutral or quasi-judicial capacity);
- Minnesota Rules, part 1400.8401, subpart 1 (outlines statutory authorization for a prevailing party to seek an award of costs and attorney fees);
- Minnesota Rules, part 1400.8401, subpart 2 (defines terms already defined in statute for claims of awards of costs and attorney fees);
- Minnesota Rules, part 1400.8401, subpart 6 (outlines procedure followed when a party seeks an appeal of an award of costs and attorney fees); and
- Minnesota Rules, part 1400.8510, subpart 2 (definition of "debtor" in revenue recapture act hearing rules);


The above rules should be repealed because they are either no longer necessary or are duplicative of existing statutory requirements.

The Office of Administrative Hearings is in the process of amending and updating Minnesota Rules, parts 1400.2000 through 1400.8612. The above-referenced rules are proposed to be repealed in the Office's current rulemaking efforts. A Request for Comments was published in the *State Register* on September 5, 2000. The Office plans to publish in the *State Register* a Notice of Intent to Adopt Rules and a copy of

the proposed rule changes by the end of December 2000, pending approval from the Governor's Office of the proposed rule changes. If the proposed rule changes proceed without a public hearing, then the Office may adopt the proposed rules at the end of the 30-day comment period following publication of the Notice of Intent to Adopt Rules.

If you have any questions regarding this report, please contact me at 612/341-7666.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine L. Anderson". The signature is fluid and cursive, with the first name "Catherine" being more prominent and the last name "Anderson" following in a similar style.

Catherine L. Anderson
Staff Attorney